

**REMARKS**

Claims 1, 2 and 4 are pending in the present application. Claims 1 and 2 are rejected. Claim 1 is herein amended. No new matter has been added.

**Claim 4**

Although claim 4 was never cancelled, the Summary Sheet of the Office Action only lists claims 1 and 2 as pending. In the response, Applicant wishes to clarify that claims 1, 2 and 4 are pending, with claims 1 and 2 currently being examined.

**Applicant's Response to Claim Objections**

The Office Action objects to claim 1 on the grounds that the term "said pair of surfaces" should instead read "said pair of said side surfaces." However, this phrase should instead be changed to "said pair of side surfaces" in order to be fully consistent with the phrase used previously in claim 1. Applicant herein amends the claim to correct this error. Please see amended claim 1. Applicant respectfully submits that this is sufficient to overcome the objection to the claims.

**Applicant's Response to Claim Rejections under 35 U.S.C. §112**

Claims 1 and 2 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The Office Action rejects the claims based on two points. First, the Office Action alleges that the word “engraved” is not present in the application and thus this subject matter is new matter. In response, Applicant herein revises the claim to recite “formed” instead of “engraving.” Please see amended claim 1.

Next, the Office Action states that the term “pillar” is not present in the original specification. Applicant notes that the word “pillar” appears in original claim 1. However, Applicant herein revises the claim to eliminate the word “pillar.” In particular, Applicant herein amends claim 1 to recite that “at least part of said pre-cast concrete block has a triangular shape in cross-section.” This subject matter is supported at least by Figures 1-3. The Court of Appeals for the Federal Circuit has confirmed that “*ipsis verbis*” disclosure is not necessary to satisfy the written description requirement of section 112. Instead, the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question.” *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1570, 39 USPQ2d 1895, 1904 (Fed. Cir. 1996). Please see amended claim 1. Favorable reconsideration is respectfully requested.

**Applicant’s Response to Claim Rejections under 35 U.S.C. §103**

**Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson (U.S. Patent No. 1,450,404) in view of Buffaloe (U.S. Patent No. 1,985,143).**

It is the position of the Office Action that Anderson discloses the embodiment as claimed, with the exception of teaching the side surfaces each having displacement prevention

grooves formed therein. The Office Action appears to rely on a combination of Buffaloe, VanderWerf (see below) and design choice to provide this teaching.

Although not mentioned in the rejection itself, the Office Action refers to “VanderWerf” in the “Response to Arguments” section (see page 5, line 9). It is unclear if VanderWerf is formally relied upon to reject the claims or not. The Office Action does not provide a patent number for “VanderWerf” either in the text of the Office Action or in a PTO-892 form. However, based on the data in the PAIR system, it appears that the Examiner refers to U.S. Patent No. 6,189,282. As a preliminary matter, Applicant respectfully requests that the Examiner confirm that U.S. Patent No. 6,189,282 is the “VanderWerf” reference mentioned on page 5, line 9. Additionally, Applicant requests that the Examiner officially cite VanderWerf on a PTO-892 form, so that it appears on the list of cited art on the first page of the patent, when a patent is eventually issued.

Anderson is directed at a concrete stair block. In Figure 1, Anderson discloses a stairway S made up of a series of blocks 1. Each block includes a riser portion 2 and a tread portion 4, and is generally triangular in shape, with a recess 3 formed at the bottom corner of the block 1. Figure 2 is a cross-section of the stairway S, which is essentially a front view of a single block 1. As illustrated, an arch is formed through the entire block 1. Thus, the riser portion 2 has an “open face.” The blocks 1 are fixed into position by two alternate connection schemes. First, as illustrated in Figure 1 and in the left-hand side of Figure 2, the sides 7 of the block 1 can be fitted in a longitudinal support 6, which is shaped like a rail. Alternatively or additionally, the sides 7 of the block 1 are formed with a circular groove 7', which can accommodate a rod 8.

Buffaloe is directed at a precast concrete step. As illustrated in Figures 1-3 and 5, Buffaloe discloses steps 8 attached to a carriage 1 via the end 13 of a rod 11. The steps 8 have a generally rectangular shape. As illustrated in Figure 4, the steps 8 each include a pair of openings 10 for receiving the end 13 of the rod 11, and a bottom side recess 9. See page 1, column 2, lines 13-17.

VanderWerf is directed at mortarless concrete block. As illustrated in Figure 1, the block 100 includes two face shells 1 connected by end webs 2 and a center web 3. In each of end webs 2, two locking channels or slots 6 are formed which extend in a vertical direction from top to bottom. Each of the slots 6 is wider at an inner position than it is at the surface of end webs 2. See column 2, lines 60-65. In the illustration, the inner parts of the slots 6 are circular in cross-section, while the part closer to the surface is rectangular in cross-section and smaller than the circular cross-section part. VanderWerf also discloses a fastener or locking member 102. This fastener 102 is formed of solid plastic and includes a midsection 10 joining two rounded sections 8 and 9. As illustrated in Figure 2, the fasteners 102 are used to hold blocks 100 together.

The Office Action alleges that it would have been obvious to modify the concrete stair block of Anderson by including grooves in the exterior sides in order to **further** reduce weight of the stairs. Essentially, the Office Action alleges that although Buffaloe only discusses a recess on the *bottom* of the step to reduce weight, it would have been obvious to include recesses generally in other locations in order to make the block lighter.

Applicant notes that neither Anderson nor Buffaloe discloses a groove on the side of a stair block, or even side-by-side positioning of stair blocks. Applicant also notes that

VanderWerf is directed at blocks for a wall, not stairs. Further, Applicant notes that VanderWerf discloses mortarless assembly, whereas the claimed embodiments require mortar in the grooves to be assembled.

Applicant herein amends the claims to more specifically recite the shape of the displacement prevention grooves. In particular, Applicant herein amends the claims to recite the shape of the displacement prevention groove relative to the block as a whole (L-shaped). Applicant also amends the claims to recite the shape of the internal shape of the displacement prevention groove (triangular cross-section). Please see amended claim 1, which recites that “said displacement prevention grooves are formed in an L-shape with a horizontal part and a vertical part.” This is supported at least by Figures 1E and 3(7). Also, amended claim 1 recites that “said displacement prevention grooves have a triangular shape in cross-section.” This is supported at least by Figure 3(8).

Additionally, Applicant herein further amends claim 1 to clarify the configuration of the recess formed in the rear surface. As the claim is written, the Office Action interprets a curve of the arch of Anderson (see Figure 2) as “a specified radius at inner corner parts of the recess.” Instead, Applicant herein amends claim 1 to recite “the recess having a round part with a specified radius at an inner corner part of the recess between an underside of said horizontal stepping surface and a rear side of said rise surface.” As illustrated in Figures 1A and 1F, this clarifies that a round part of the recess 9 is a corner between an underside of stepping surface 4 and a rear side of the rise surface 1. On the other hand, the combination of cited art does not disclose this. Rather, Anderson, as modified, has only an arch shape, and there is no corner

where a rear side of a rise surface meets an underside of a stepping surface. In view of the above, Applicant respectfully submits that the cited art, either singly or in combination, does not disclose or suggest the embodiments as claimed. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

If the Examiner deems that any further action by applicant would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicant's undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

/RYAN B. CHIRNOMAS/

Ryan B. Chirnomas  
Attorney for Applicant  
Registration No. 56,527  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

RBC/nrp